2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok)

Submitted by the depositary of the Treaty of Bangkok

A. General developments

1. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone was signed at Bangkok on 15 December 1995 by all 10 countries of South-East Asia, namely Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. Since then, the Treaty has been ratified by nine of the signatory States, and entered into force on 27 March 1997. The Treaty was registered with the United Nations on 26 June 1997.

2. The Treaty symbolizes the attempts of the countries in South-East Asia to advance the cause of peace and stability in the region and the nuclear non-proliferation regime as a whole. It is thus consistent with the long-standing programme to ensure that South-East Asia becomes a zone of peace, freedom and neutrality. It is also in line with the objectives enunciated on nuclear-weapon-free zones contained in the decisions on principles and objectives for nuclear non-proliferation and disarmament taken by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. At the same time, the Treaty of Bangkok incorporates various innovative elements which represent an advance over existing nuclear-weapon-free zones. For example, it takes account of the increased peaceful use of nuclear energy and places additional emphasis upon the control of nuclear wastes and the response to nuclear accidents. With the inclusion of these new elements, the Treaty may be regarded as forward-looking in nature.

4. Since the entry into force of the Treaty of Bangkok in March 1997, the Treaty Parties have been proceeding on two tracks: first, in the implementation of the provisions of the Treaty; and secondly, in obtaining support for the Treaty and its Protocol from the five nuclear-weapon States. Substantial progress has been made on both tracks.

B. Implementation of the provisions of the Treaty

1. Establishment of executive organs under the Treaty of Bangkok

5. On the first track, an important step forward in the implementation of the Treaty was the convening of the Inaugural Meeting of the Commission for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Foreign Ministers of the States members of the Association of South-East Asian Nations (ASEAN) in Singapore during the 32nd ASEAN Ministerial Meeting, on 24 July 1999. At the Inaugural Meeting of the Commission, the ASEAN Foreign Ministers directed the Executive Committee to

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initiate all necessary actions to ensure compliance with the Treaty.

6. In accordance with the decision of the Commission, the Executive Committee for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Permanent Secretaries of the Ministries of Foreign Affairs of the ASEAN countries, met for the first time in Bangkok on 12 October 1999. The Executive Committee took a decision to launch a dialogue with the International Atomic Energy Agency (IAEA) and to establish a Working Group to undertake discussions with IAEA.

7. Now that the organs of the Treaty have been established, the task of establishing detailed verification and control procedures can proceed. The Executive Committee through its Working Group will be undertaking consultations with IAEA and other relevant international organizations in this regard. At the same time, the Treaty Parties are also considering the rules of procedure and financial rules governing the work of the various organs.

2. Relations with the International Atomic Energy Agency and other international organizations

8. Recognizing that IAEA has an important role to play in assisting the Parties to the Treaty in fulfilling their obligations under the Treaty, the Chairman of the Executive Committee had addressed a letter to the Director-General of IAEA in November 1999, requesting that a dialogue between the parties to the Treaty of Bangkok and IAEA be launched. IAEA responded positively to that request and on 3 February 2000, the IAEA Director-General called upon the Acting Minister for Foreign Affairs of Thailand, as Chairman of the Commission, to discuss cooperation between IAEA and the Treaty Parties.

9. Pursuant to these initial approaches, a number of issues will be discussed in detailed consultations between IAEA and the Treaty Parties to be held during 2000. These would include the question of IAEA support in implementing the provisions with respect to safeguards and handling of nuclear wastes, as well as possible assistance in terms of technical cooperation programmes for the Treaty Parties.

10. In addition, in accordance with article 5 of the Treaty, all Treaty Parties that have not yet done so have been encouraged to conclude a full-scope safeguards agreement with IAEA at the earliest opportunity.

C. Consultations with the nuclear-weapon States on the Protocol to the Treaty

11. Equally important to the efforts on the first track are the efforts on the second track relating to the Treaty Parties' ongoing consultations with the five nuclear-weapon States for them to accede to the Protocol to the Treaty of Bangkok. ASEAN attaches great importance to this objective because the Treaty would have greater meaning if the nuclear-weapon States undertake to support the Treaty by way of their accession to the Protocol.

12. In this regard, since the signing of the Treaty and even before the Treaty came into effect, ASEAN has been engaged in an ongoing process of consultations with the five nuclear-weapon States in the hope that they could accede to the Protocol as early as possible. Each of the five nuclear-weapon States have indicated reservations with various parts of the Protocol as well as the Treaty itself. Some of these reservations are common to most of the nuclear-weapon States, particularly with regard to the question of the zone of application of the Treaty and its implication for their respective nuclear deterrence policies. However, the concern of China is unique in the sense that it mainly relates to the implications of the Treaty for the question of sovereignty in the South China Sea.

13. ASEAN has made various attempts to find ways and formulations of addressing the respective concerns of the nuclear-weapon States. Through these efforts, major progress has been made vis-à-vis China, which has now accepted the formulation which ASEAN proposed to satisfy its concerns regarding the zone of application of the Treaty and Protocol and the issue of sovereignty. China has expressed its readiness to be the first country to sign the Protocol to the Treaty.

14. However, it is the intention of ASEAN to have all five nuclear-weapon States accede to the Treaty, if not at the same time, then, if possible, at the earliest opportunity. Therefore, ASEAN intends to undertake further consultations with the remaining four nuclear-weapon States in order to address their concerns as a package, including the question of the formulation of negative security assurances. At the same time, ASEAN notes that the decisions on principles and objectives for nuclear non-proliferation and disarmament contain provisions that further steps should be considered to assure non-nuclear-weapon

States against the use or threat of use of nuclear weapons.

15. ASEAN has communicated its latest position to the nuclear-weapon States, that they should approach the consultations with ASEAN with a greater sense of urgency. Although ASEAN has recently received indications that the nuclear-weapon States have been coordinating more closely on issues relating to the Treaty of Bangkok, ASEAN is still awaiting a formal response from the nuclear-weapon States.

D. Assessment

16. The Treaty of Bangkok represents a bona fide effort by South-East Asian countries to enhance the peace and security of South-East Asia by eliminating the threat of nuclear weapons from the region. It also represents a concrete contribution to the goal of global nuclear non-proliferation as represented by the Non-Proliferation Treaty.

17. The Treaty of Bangkok represents a step forward in the development of nuclear-weapon-free zones in that it incorporates innovative elements to take into account the increasing peaceful use of nuclear energy. By according an important role for international agencies such as IAEA in assisting the Treaty Parties in the implementation of the Treaty, the Treaty is also cooperative and outward-looking in nature.

18. Important steps have been taken to ensure the effective implementation of the Treaty, including the establishment of supervisory frameworks. However, consultations are still under way with the nuclear-weapon States to obtain their support through signing the Protocol to the Treaty. At the same time, the Treaty Parties would welcome support for the Treaty of Bangkok from all States.